

### REMARKS

This application has been carefully reviewed in light of the Office Action dated January 26, 2006. Claims 11 to 14 are in the application, with Claims 11, 12, and 14 being independent. Claims 11 to 14 have been amended herein. Reconsideration and further examination are respectfully requested.

The title has been amended as suggested by the Examiner.

Claims 13 and 14 were rejected under 35 U.S.C. § 112, second paragraph. The rejection is respectfully traversed, and is submitted to have been obviated by the amendments made to these claims.

Claims 11 to 13 were rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,245,518 (Baier), and Claims 11 to 14 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,843,655 (McGall). These rejections are respectfully traversed.

According to a feature of the invention as recited by Claims 11, 13, and 14, all probes forming the array having the labeling compound coupled to their termini. By virtue of this feature, it is made easier to accurately measure the amount of a probe, since the differences in labeling rates among different probes can be eliminated.

Neither Baier nor McGall is seen to disclose or suggest at least the foregoing feature.

Baier may be seen to describe, at column 5, lines 56 to 60, that a labeled nucleotide is coupled to the terminus of a synthesized polynucleotide. However, it is Applicants' understanding that this polynucleotide is used together with synthesized polynucleotides that do not have a label at their termini.

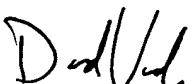
McGall is merely seen to describe a method of testing oligonucleotide arrays in which probes are evaluated through a sampling inspection.

Dependent Claim 12 is also submitted to be patentable because it sets forth additional aspects of the present invention and is dependent from an independent claim discussed above. Therefore, separate and individual consideration of this dependent claim is respectfully requested.

The application is believed to be in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,

  
\_\_\_\_\_  
Damond E. Vadnais  
Attorney for Applicants  
Registration No. 52,310

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200

CA\_MAIN 112915v1